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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,269	11/14/2001	Mark R. Baldock	BAI525-585/01917	7700

7590

01/20/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/992,269	Applicant(s) BALDOCK, MARK R.	
	Examiner Justin E. Shepard	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: On page 6, line 2; please insert the word "be" after the word "typically."

Appropriate correction is required.

Claim Objections

Claim 7 is objected to because of the following informalities: On line 4, please replace the word "scream" with the word "stream". Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Raiyat.

Referring to claim 9, Raiyat discloses a broadcast data receiver for receiving data having video (column 4, lines 51-52), audio and/or auxiliary data, said broadcast data receiver comprising: first and second tuners (figure 1, parts 3 and 23), each tuner controlled to tune to a specified radio frequency to allow said broadcast data receiver to receive a designated data carrier having frequencies selected and controlled by said broadcast data receiver in response to a user selection (column 3, lines 62-65; column

4, lines 6-7; column 5, lines 43-47), and wherein when at least one of said first and second tuners is not in use to tune to a specific frequency for a particular data carrier, said tuner is controlled to scan through the data carrier frequency bandwidth to identify and retrieve service information (column 5, lines 47-51).

Referring to claim 10, Raiyat discloses a broadcast data receiver according to claim 9 wherein said scanning operates continuously when said at least one tuner is available (column 5, lines 25-28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat.

Referring to claim 1, Raiyat discloses a television system, said system comprising: a display screen (figure 1, part 17); data streams being broadcast and transmitted on radio frequency carriers at different frequencies and said data corresponding to a number of different user selectable, channels and/or services; and a broadcast data receiver for receiving digital data carried in data streams from one or more broadcaster(s) via satellite, terrestrial or cable transmission systems (column 2, lines 29-30; column 3, lines 62-65), said broadcast data receiver including: means for

selectively processing and generating audio, video (column 4, lines 51-52) and/or auxiliary information from said data streams in response to user selections (column 3, line 65; column 4, lines 6-7); and at least two tuners for tuning to the required data carrier frequencies (figure 1, parts 3 and 23) to receive data relating to at least two channels or services (column 5, lines 43-47) as and when required wherein when at least one of the at least two turners is not in use at another turner is operated to scan through the data carrier frequency bandwidth to allow the broadcast data receiver to identify and receive system service information (column 5, lines 47-51).

Raiyat does not disclose a display system with speakers.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add speakers to a television receiver (ON).

Referring to claim 2, Raiyat discloses a system according to claim 1 wherein said service information for which at least one tuner is used to scan relates to television and/or radio channel identification information including audio, video (column 4, lines 51-52; column 5, lines 25-28) and/or auxiliary data.

Referring to claim 4, Raiyat discloses a system according to claim 1 wherein said service information relates to information for known channels or services (column 5, lines 25-28).

Referring to claim 5, Raiyat discloses a system according to claim 1 wherein said service information retrieved by said at least one tuner is stored in memory means of said broadcast data receiver (column 5, lines 47-51).

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat in view of Vaughn.

Referring to claim 3, Raiyat does not disclose a system according to claim 1 wherein said service information relates to information relating to a new channel.

Vaughn discloses a system according to claim 1 wherein said service information relates to information relating to a new channel (column 2, lines 42-44).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the new channel scanning, taught by Vaughn, to the system disclosed by Raiyat. The motivation would have been to enable users to modify the channel list (Vaughn: column 2, lines 38-39).

Referring to claim 6, Raiyat does not disclose a system according to claim 1 wherein when said service information retrieved includes information for a new channel or service which has been identified since the previous scan, a message or symbol is displayed visually and/or audibly to inform the user of said television system of the new channel or service.

Vaughn discloses notifying a user when another channel is added (column 2, lines 42-44).

Vaughn does not disclose a system according to claim 1 wherein when said service information retrieved includes information for a new channel or service which has been identified since the previous scan, a message or symbol is displayed visually and/or audibly to inform the user of said television system of the new channel or service.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the new channel scanning, taught by Vaughn, to the system disclosed by Raiyat. The motivation would have been to enable users to modify the channel list (Vaughn: column 2, lines 38-39).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use a message to notify a user of an action occurring (ON).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat in view of Reitmeier.

Referring to claim 7, Raiyat does not disclose a system according to claim 1 wherein when said at least one tuner is scanning for service information and is required to receive a designated data stream, in response to a user selection, the scanning is suspended and said at least one tuner is made available for said data stream.

Reitmeier discloses a system according to claim 1 wherein when said at least one tuner is scanning for service information and is required to receive a designated data stream, in response to a user selection, the scanning is suspended and said at least one tuner is made available for said data stream (column 8, lines 34-36).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the method of stopping the scanning the channels, as taught by Reitmeier, to the system taught by Raiyat. The motivation would have been to enable the system to display a PIP channel even if the system is scanning for new channels (Raiyat: column 5, lines 47-51).

Referring to claim 8, Raiyat discloses a system according to claim 7 wherein scanning may be resumed when at least one tuner no longer receives said data stream and there are no other pending tuning requirements (column 5, lines 47-51).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raiyat in view of Yoshinobu.

Referring to claim 11, Raiyat does not disclose a broadcast data receiver according to claim 9 wherein said scanning operates at spaced time intervals.

Yoshinobu discloses a broadcast data receiver according to claim 9 wherein said scanning operates at spaced time intervals (column 16, lines 4-5).

At the time of the invention it would have been obvious to one of ordinary skill in the art to scan the channels at timed intervals, as taught by Yoshinobu, in the system disclosed by Raiyat. The motivation would have been to enable the system to scan the channels at night when no one would be using the system to watch TV, and therefore the second tuner would be free to tune to a second channel (Raiyat: column 5, lines 47-51).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


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